

From: [WOJTKONSKI, STANLEY](#)
To: [JACOBSON, MIKE \(JAKE\)](#)
Subject: Re: DVR for Corner Groceries HY-2748-2064
Date: Thursday, December 21, 2017 12:07:06 PM

That is great news! Thank you for pushing this through!

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
USDA

5601 Sunnyside Ave
Suite 2-2230
Beltsville, MD 20705

Cell: [\(301\) 789-4052](tel:(301)789-4052)
Fax: [\(301\) 504-2025](tel:(301)504-2025)
Stanley.Wojtkonski@oig.usda.gov

----- Original message -----

From: "JACOBSON, MIKE (JAKE)" <mike.jacobson@oig.usda.gov>
Date: 12/21/17 11:02 AM (GMT-05:00)
To: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

It's the Procurement Management Branch and the Federal Acquisition Regulations.

We should have movement on the DVR today. Lonnie Boyd and I approve the AD700 yesterday and Linda Josey is going to put the initial \$1200.00 on the credit card. I'm staying on it, and/but we're waiting for a shipping authorization from DME.

Jake

From: WOJTKONSKI, STANLEY
Sent: Thursday, December 21, 2017 7:31 AM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>
Subject: Re: DVR for Corner Groceries HY-2748-2064

Excuse my ignorance, but what are PMB and FAR?

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Fax: [\(301\) 504-2025](tel:3015042025)
Stanley.Wojtkonski@oig.usda.gov

----- Original message -----

From: "JACOBSON, MIKE (JAKE)" <mike.jacobson@oig.usda.gov>
Date: 12/20/17 9:41 AM (GMT-05:00)
To: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

I apologize for my previous email. It was neither acceptable nor appropriate to vent my frustration.

I know this is very important to you and to the AUSA and we all are feeling the pressure on this one. Probably not to the extent you two are; nonetheless, Jim has tried everything to get that DVR to work. I can't recall a time we haven't been able to produce in time for a trial date, and it's even worse that this is now largely out of our hands.

I have contacted Lonnie Boyd and he is going to contact PMB to get this moving.

If you have any other questions or concerns, or the AUSA, feel free to contact me and I'll referee. PMB is an immovable object; they have FAR, etc., so calling isn't going to make them work faster. I can assure you I have made clear *the seriousness of the situation*.

Jake

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 7:22 PM

To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: Re: DVR for Corner Groceries HY-2748-2064

I share your frustration.

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Stanley.Wojtkonski@oig.usda.gov

----- Original message -----

From: "JACOBSON, MIKE (JAKE)" <mike.jacobson@oig.usda.gov>

Date: 12/19/17 5:57 PM (GMT-05:00)

To: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

I do not. Perhaps he can discuss this issue with the entity who sat on this device, putting us in an impossible situation.

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 3:38 PM

To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>; CASTALDO, VINCENT
<VINCENT.CASTALDO@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

The judge presiding over the trial just changed. As a result of this change, the trial has been pushed back to February 12, 2017. That gives us 55 days. We will have to expedite this as quickly as possible and hope for the best. I will inform the prosecutor. Based on past conversations with him, he will no doubt wish to contact whoever at headquarters is handling this. Do you happen to know the best person to speak to?

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From: JACOBSON, MIKE (JAKE)
Sent: Tuesday, December 19, 2017 4:27 PM
To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Probably both. I don't know yet if it's inaction necessarily or the speed at which things move through the process. Even if it were there today, I don't see how it can be done in time from a technical standpoint, let alone a review standpoint.

From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 2:59 PM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>; CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Is your opinion based on the scope of work to be done by the 3rd party company, or inaction above TCD to get the process approved?

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Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

I forwarded it to HQ for further action. Based on the activity to date, I can safely say if the trial occurs within the next 60 days, this will not be done in time.

Mike Jacobson

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 1:17 PM

To: CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

In a trial prep meeting with the AUSA right now. Do we have an update on the DVR for HY-2748-2064 CORNER GROCERIES?

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From: CASTALDO, VINCENT

Sent: Tuesday, November 28, 2017 6:08 PM

To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Called DME Forensics and they are putting together a bid and some paperwork and will contact me.

From: WOJTKONSKI, STANLEY

Sent: Tuesday, November 28, 2017 2:24 PM

To: CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Yes, Please contact them. Lets find out what they can do. I forwarded your email to the prosecutor and let him know we will make contact with the software company. We can figure out payment after we see if they can help.

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From: CASTALDO, VINCENT

Sent: Tuesday, November 28, 2017 2:48 PM

To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>; WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

Unfortunately we have exhausted all options to recover any video directly from this DVR.

We have tried the automated DVR software, networking directly into the DVR, exporting the video to a USB drive from the DVR itself and making a copy of the drive and trying to export the video from the file system itself but all have failed.

The main problem we have had with the device is it shuts down and restarts after a few minutes of running.

The only option I think we have at this point is inquire with the company who makes the automated DVR software and request their assistance.

This would involve me sending them a copy of the hard drive, see if they can determine the files system, and recover the video.

I have never gone this route and have now idea the cost for this service. If you want me to inquire about this let me know.

From: JACOBSON, MIKE (JAKE)
Sent: Monday, November 20, 2017 8:26 AM
To: CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064

For you... When you return.

From: WOJTKONSKI, STANLEY
Sent: Monday, November 20, 2017 8:25 AM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>
Subject: DVR for Corner Groceries HY-2748-2064

Mike,

Can you give me the status of the store DVR download for this case? I just got off the phone with the AUSA and he wanted me to get a timeframe. I recall Jim saying it wasn't being cooperative with the normal DVR software but time is getting short for us as we prepping for trial.

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[REDACTED]

[REDACTED]

[REDACTED]

From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 4:53 PM
To: DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Below is my correspondence with TCD regarding the store DVR needed for the Corner Groceries (HY-2748-2064) jury trial which is scheduled for February 12, 2018. As usual, TCD has been most helpful and responsive in this matter. Unfortunately, the store DVR is giving TCD problems and they need to send it out to the private company that makes the forensic DVR analyzing software TCD uses. The forensic company will need to do a hands-on physical extraction themselves. TCD has requested funding from headquarters to send the DVR to the private company. That authorization/funding has not yet materialized. Can you please inquire as to the status of this request? This DVR could be the lynchpin of the jury trial and I want to represent to the prosecutor that we are expediting this.

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Subject: RE: DVR for Corner Groceries HY-2748-2064

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Subject: FW: DVR for Corner Groceries HY-2748-2064

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Sent: Monday, November 20, 2017 8:25 AM

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Stanley.Wojtkonski@oig.usda.gov

[REDACTED]



Subject: Re: DVR for Corner Groceries HY-2748-2064

Thanks for the update. I forwarded your questions regarding the affidavit to AUSA Sean Delaney. I will follow up with him shortly.

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Suite 2-2230
Beltsville, MD 20705

Cell: (301) 789-4052

Fax: (301) 504-2025

Stanley.Wojtkonski@oig.usda.gov

----- Original message -----

From: "DINKINS, BETH" <beth.dinkins@oig.usda.gov>

Date: 1/3/18 12:25 PM (GMT-05:00)

To: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>

Cc: "DODSON, TIMOTHY" <TIMOTHY.DODSON@oig.usda.gov>, "REPP, DEREK" <derek.repp@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Hi Stan, and Happy New Year.

I just spoke to Jake and the agreement for the contractor is moving along. As soon as Jake gets the "go-ahead", he will ship out the DVR image for next day delivery to the consultant.

In the meantime, we (in conjunction with your AUSA) need to be prepared to tell the consultant what we want/need from them. According to Jake, it is standard procedure for the consultant to provide an affidavit explaining the details of the extraction (in lieu of them sending someone to testify to this information at trial). Does the District have a "go-by" affidavit in a format that would be acceptable for your purposes at trial? Can you work on figuring that piece out so that we have something to send along as soon as we get the word that the work can commence? Please let me know your thoughts so that we can reply to Ann/Jake when asked.

Thanks.

Here is the language from the Justification For Other Than Full and Open Competition that Jake prepared for Procurement. The relevant portion pertaining to the affidavit is highlighted below for your information:

A description of the supplies or services required to meet the Agency's needs (including the estimate value).

OIG TCD requires the services of DME Forensics immediately due to the urgency of an upcoming trial date. Specifically, DME Forensics is a software company that reverse-engineers the many proprietary file systems that run DVRs. DME Forensics provides forensic software so that digital forensic units can quickly and efficiently extract video from the devices; however, not all DVRs are supported. DME Forensics will examine unsupported DVRs and extract video (as a service) or update their software to support the device.

OIG TCD requires DME Forensics to examine the DVR data and 1) Provide an update to their software to support the device, or 2) Extract the data manually, and 3) **Provide an Affidavit explaining the details of the extraction.**

Bethanne M. Dinkins
Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507
cell 917-359-0736
fax 212-264-8416

From: WOJTKONSKI, STANLEY
Sent: Thursday, December 21, 2017 3:25 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov>; DODSON, TIMOTHY
<TIMOTHY.DODSON@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Thank you, Beth. My thanks to everyone who has been trying urgently to get this done.

Stan Wojtkonski
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Office of Inspector General
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Cell: (301) 789-4052
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From: DINKINS, BETH
Sent: Thursday, December 21, 2017 3:20 PM
To: DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov>
Cc: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064
Importance: High

See below. Jake just confirmed that TCD has the DVR and will ship it out as soon as instructions are received from the vendor. I will be in the office tomorrow and will make sure that Peter understands the urgency of getting this processed and the DVR sent out to the vendor tomorrow if possible given the looming Government shutdown.

Bethanne M. Dinkins

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New York, NY 10278
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fax 212-264-8416

From: PARADIS, PETER

Sent: Thursday, December 21, 2017 3:16 PM

To: DINKINS, BETH <beth.dinkins@oig.usda.gov>; BOYD, LONNIE <LONNIE.BOYD@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Cc: PARADIS, PETER <PETER.PARADIS@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Importance: High

All,

I just spoke to Desiree Clayton (OM/PRO) and she will have Peter Lee jump on processing this AD-700-1259 for the DVR review in the absence of Linda Josey. Peter Lee will attempt to contact the recommended vendor etc. to complete the processing of the AD-700.

Beth and/or Jake – you may receive a call from Peter Lee or the vendor or whomever regarding logistics to send the DVR for review.

Pete

Peter P. Paradis, Sr.

Peter P. Paradis, Sr.
Deputy Assistant Inspector General
Office of Investigations
Office of Inspector General
US Department of Agriculture
Desk: (202)720-3307
Mobile: (202)573-3865

From: DINKINS, BETH

Sent: Tuesday, December 19, 2017 8:51 PM

To: BOYD, LONNIE <LONNIE.BOYD@oig.usda.gov>

Cc: PARADIS, PETER <PETER.PARADIS@oig.usda.gov>

Subject: FW: DVR for Corner Groceries HY-2748-2064

Good evening, Lonnie.

I am not quite sure where to start with inquiries regarding the below-referenced problem. The short story is that TCD has run into problems retrieving video from a store DVR seized during a search warrant. The store owner, Mahmood Shah, initially pled guilty but subsequently claimed ineffective assistance of counsel and his request to withdraw his guilty plea was granted. Shah is now scheduled for trial beginning on February 12, 2017.

TCD has informed us that the only hope to retrieve the DVR video is to send it to a third party contractor, DME Forensics, to perform a hands-on physical extraction. Apparently the company was contacted and a bid for the work obtained. According to Jake, a request for funding for this work was submitted "to HQ for further action" but I do not know to whom nor can I tell the status of this request.

In essence, this DVR is a potentially important piece of evidence for the trial and the AUSA is actively asking for our assurances that we are doing everything possible to expedite the necessary forensic examination so that he will have the evidence he feels he needs for trial. However, based on Jake's opinion below, even if the funding is secured, time is running out to get the work done in time for our needs.

This case DOES have an asset forfeiture component.

If you know anything about the status of this request, can you please update me and/or point me in the right direction. With the holidays coming up and/or a possible shutdown, I would like to be able to either secure the funding to get this work done, or provide the AUSA with an explanation as to why we cannot.

Thank you.

Bethanne M. Dinkins

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Cc: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>

Subject: FW: DVR for Corner Groceries HY-2748-2064

Good Afternoon:

Please see below regarding a potential evidentiary issue in HY-2748-2064 trial prep and discovery. TCD experienced technical difficulty attempting to examine this DVR. They need to send it to a private contractor / vendor to accomplish this task. TCD submitted the funding request to HQ around the beginning of December, but it seems to be tied up in limbo. Could you check and see what is causing the delay?

We need to get this done so the item can be reviewed before the trial starts.

Feel free to contact me if you have any questions or concerns. Thank you.

Regards,

Tim Dodson

Tim Dodson, ASAC
SYR-BRIG / NER
USDA-OIG-OI
Desk: 301-504-2005
Cell: 202-579-7182

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From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 4:53 PM
To: DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Tim,

Below is my correspondence with TCD regarding the store DVR needed for the Corner Groceries (HY-2748-2064) jury trial which is scheduled for February 12, 2018. As usual, TCD has been most helpful and responsive in this matter. Unfortunately, the store DVR is giving TCD problems and they need to send it out to the private company that makes the forensic DVR analyzing software TCD uses. The forensic company will need to do a hands-on physical extraction themselves. TCD has requested funding from headquarters to send the DVR to the private company. That authorization/funding has not yet materialized. Can you please inquire as to the status of this request? This DVR could be the lynchpin of the jury trial and I want to represent to the prosecutor that we are expediting this.

Stan Wojtkonski
Special Agent
Office of Inspector General

Investigations
USDA

5601 Sunnyside Ave
Suite 2-2230
Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov

From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 4:38 PM
To: JACOBSON, MIKE (JAKE) <MIKE.JACOBSON@oig.usda.gov>; CASTALDO, VINCENT
<VINCENT.CASTALDO@oig.usda.gov> <VINCENT.CASTALDO@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

The judge presiding over the trial just changed. As a result of this change, the trial has been pushed back to February 12, 2017. That gives us 55 days. We will have to expedite this as quickly as possible and hope for the best. I will inform the prosecutor. Based on past conversations with him, he will no doubt wish to contact whoever at headquarters is handling this. Do you happen to know the best person to speak to?

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Probably both. I don't know yet if it's inaction necessarily or the speed at which things move through the process. Even if it were there today, I don't see how it can be done in time from a

technical standpoint, let alone a review standpoint.

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 2:59 PM

To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>; CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Is your opinion based on the scope of work to be done by the 3rd party company, or inaction above TCD to get the process approved?

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Stan,

I forwarded it to HQ for further action. Based on the activity to date, I can safely say if the trial occurs within the next 60 days, this will not be done in time.

Mike Jacobson

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 1:17 PM

To: CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

In a trial prep meeting with the AUSA right now. Do we have an update on the DVR for HY-2748-2064 CORNER GROCERIES?

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From: CASTALDO, VINCENT
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To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>
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Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

Unfortunately we have exhausted all options to recover any video directly from this DVR.

We have tried the automated DVR software, networking directly into the DVR, exporting the video to a USB drive from the DVR itself and making a copy of the drive and trying to export the video from the file system itself but all have failed.

The main problem we have had with the device is it shuts down and restarts after a few minutes of running.

The only option I think we have at this point is inquire with the company who makes the automated DVR software and request their assistance.

This would involve me sending them a copy of the hard drive, see if they can determine the files system, and recover the video.

I have never gone this route and have now idea the cost for this service. If you want me to inquire about this let me know.

From: JACOBSON, MIKE (JAKE)
Sent: Monday, November 20, 2017 8:26 AM
To: CASTALDO, VINCENT <VINCENT.CASTALDO@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064

For you... When you return.

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To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: DVR for Corner Groceries HY-2748-2064

Mike,

Can you give me the status of the store DVR download for this case? I just got off the phone with the AUSA and he wanted me to get a timeframe. I recall Jim saying it wasn't being cooperative with the normal DVR software but time is getting short for us as we prepping for trial.

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From: [WOJTKONSKI, STANLEY](#)
To: [DINKINS, BETH](#); [DODSON, TIMOTHY](#)
Subject: Re: DVR for Corner Groceries HY-2748-2064
Date: Tuesday, January 09, 2018 10:16:03 AM

I understand Jake's frustration throughout this process. The Bureau placed this device in evidence when it was seized as part of the large Baltimore SNAP takedown in 2016. They maintained all the evidence from that takedown, including all DVRs from any subject store that had a security system. The Bureau gave us several DVRs from multiple subject stores shortly after the takedown in order to split the forensic workload. They kept the other DVRs with the intention of having their folks do the work on the ones they kept. The DVR in question is one that they kept. All the DVRs OIG received were sent to TCD and examined in short order and without incident. Due to our defendant, Mahmood Shah, initially pleading guilty, the Bureau did not do an exam of this particular DVR. When Shah withdrew his plea agreement, and time became short, the Bureau turned the device over to OIG for exam. We sent it shortly thereafter to TCD who has been extraordinary in their efforts. It will be made crystal clear to the prosecutor when TCD became involved and under what circumstances. I am very confident this situation will not reflect negatively on the immense efforts that TCD has made to fill this request.

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Special Agent

Office of Inspector General

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Stanley.Wojtkonski@oig.usda.gov

----- Original message -----

[REDACTED]

From: WOJTKONSKI, STANLEY

Sent: Wednesday, December 20, 2017 11:22 AM

To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

No apology needed. You and your folks have come through for me every single time I needed anything, no matter the time frame or how extensive my requests have been. I have never been let down by TCD and that record still stands. This is outside of what even TCD can do. We need outside help and time. We may get one and have little of the other. All we can do is continue to push the rock uphill and hope. You have my thanks for the massive amount of effort your shop is putting into this.

Stan Wojtkonski
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Office of Inspector General
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Beltsville, MD 20705

Cell: (301) 789-4052
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Stanley.Wojtkonski@oig.usda.gov

From: JACOBSON, MIKE (JAKE)

Sent: Wednesday, December 20, 2017 9:41 AM

To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

From: [DINKINS, BETH](#)
To: [WOJTKONSKI, STANLEY](#); [DODSON, TIMOTHY](#)
Subject: RE: DVR for Corner Groceries HY-2748-2064
Date: Thursday, December 21, 2017 3:32:04 PM

No problem. Crisis management is our specialty...

I looked in Sharepoint and apparently the AD-700 was prepared by Jake yesterday and approved by Lonnie yesterday. Unfortunately no one felt the need to tell me of this progress until I started asking today....

I am in touch with Jake to get the DVR sent out tomorrow.

Bethanne M. Dinkins

Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507
cell 917-359-0736
fax 212-264-8416

From: WOJTKONSKI, STANLEY
Sent: Thursday, December 21, 2017 3:25 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov>; DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Thank you, Beth. My thanks to everyone who has been trying urgently to get this done.

Stan Wojtkonski
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Beltsville, MD 20705

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Stanley.Wojtkonski@oig.usda.gov

[REDACTED]

From: WOJTKONSKI, STANLEY [mailto:STANLEY.WOJTKONSKI@oig.usda.gov]

Sent: Wednesday, November 29, 2017 1:30 PM

To: Delaney, Sean (USAMD) <SDelaney2@usa.doj.gov>; Heather Grow (heather.grow@ic.fbi.gov) <heather.grow@ic.fbi.gov>

Subject: FW: DVR for Corner Groceries HY-2748-2064

Technical Crimes has contacted DME Forensics and they are putting together a cost to assist with the DVR. Looks like my HQ is going to pay for it. I will let you know if that is not the case.

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From: CASTALDO, VINCENT

Sent: Tuesday, November 28, 2017 6:08 PM

To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov>

Subject: RE: DVR for Corner Groceries HY-2748-2064

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Subject: RE: DVR for Corner Groceries HY-2748-2064

From: [DINKINS, BETH](#)
To: [WOJTKONSKI, STANLEY](#); [DODSON, TIMOTHY](#)
Subject: RE: DVR for Corner Groceries HY-2748-2064
Date: Tuesday, January 09, 2018 10:25:00 AM

Thank you for the explanation. As you may or may not know, one of Jake's pet peeves is getting digital evidence once it has previously gone to another agency for processing. So I think that part of the story may have something to do with Jake's frustration.

I told Ann this morning that I am not intentionally trying to make Jake angry. By my inquiries, I am simply trying to make sure that this is moving along, and that everyone is aware of the pressures that we/you are facing from the U.S. Attorney's Office. Given today's status, I spoke to Tim and suggested that preliminary discussions commence with the AUSA regarding what may or may not be possible in time for trial.

Bethanne M. Dinkins
Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507
cell 917-359-0736
fax 212-264-8416

From: WOJTKONSKI, STANLEY
Sent: Tuesday, January 09, 2018 10:16 AM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov>; DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov>
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<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>

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Stan Wojtkonski

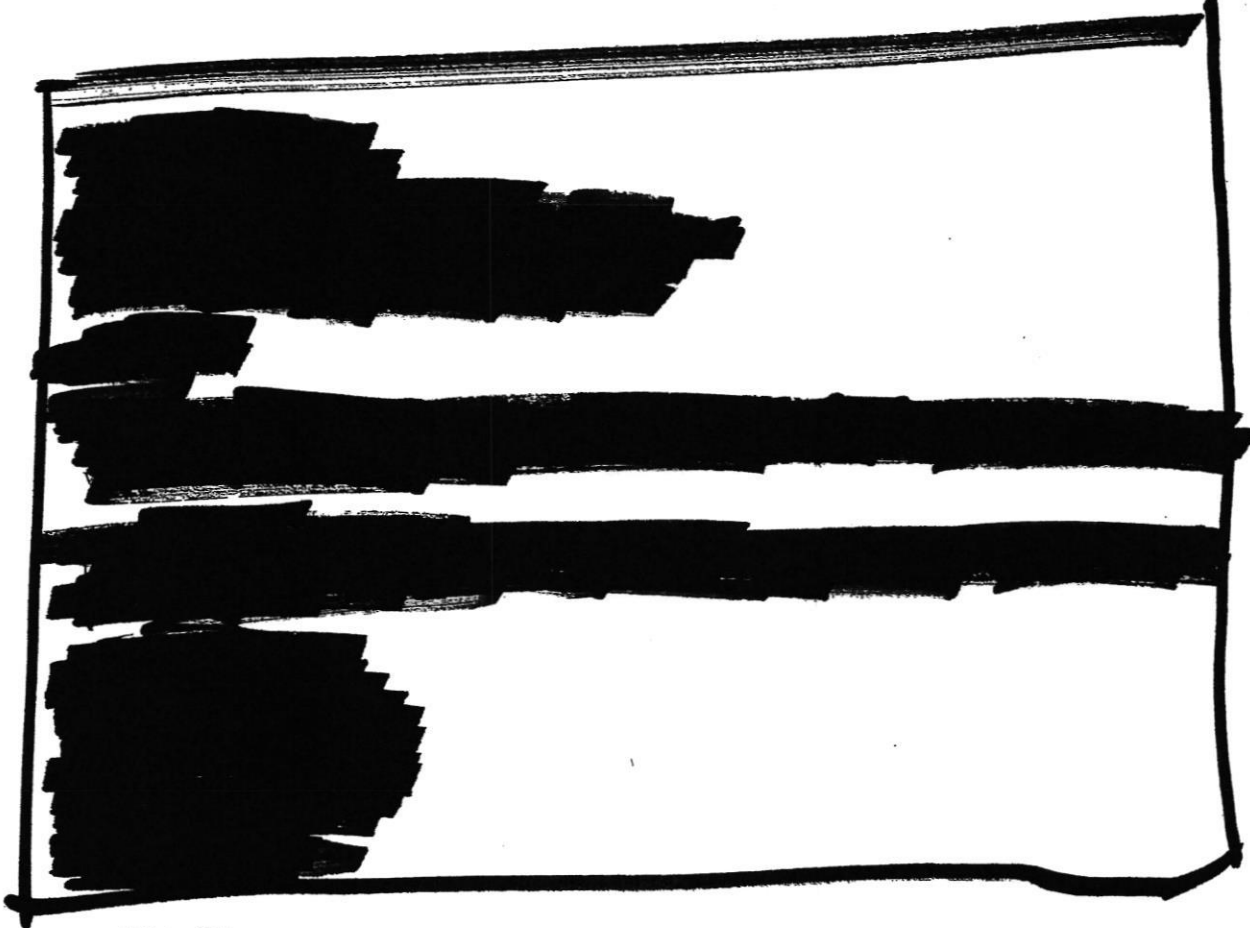
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-----Original Message-----

From: WOJTKONSKI, STANLEY
Sent: Monday, January 08, 2018 1:17 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Beth,

The prosecutor's response is below. Perhaps DME Forensics has used an affidavit in the past on state criminal cases. AUSA Delaney is pretty clear that in federal court for the admission of this evidence, in person testimony is required unless the defense stipulates to the authenticity of the video extraction, which does not appear likely at this point. I am sure this is not the answer DME wants, but it's what I have.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
USDA

5601 Sunnyside Ave
Suite 2-2230
Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov

-----Original Message-----

From: Delaney, Sean (USAMD) [<mailto:Sean.Delaney@usdoj.gov>]
Sent: Monday, January 08, 2018 1:05 PM
To: WOJTKONSKI, STANLEY <STANLEY.WOJTKONSKI@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

No. I can't have an affidavit. I need the witness who performed the extraction to be prepared to be available to testify at trial. If I can get a stipulation and save them the trouble, I will. However, I need that person identified and available.

I don't need to remind you that time is of the essence on getting this video extracted. The sooner we get it, the better. I hope and expect it to be extremely helpful to our case and it is absolutely worth the time and effort. Thank you and thanks to your agency for working so hard on getting this done.

Sean Delaney

-----Original Message-----

From: WOJTKONSKI, STANLEY [<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>]
Sent: Friday, January 5, 2018 1:09 PM
To: Delaney, Sean (USAMD) <SDelaney2@usa.doj.gov>
Subject: Fwd: DVR for Corner Groceries HY-2748-2064

Need your thoughts on this to make sure the DVR extraction doesn't get further delayed. See below.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
USDA

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Cell: (301) 789-4052<tel:(301)%20789-4052>
Fax: (301) 504-2025<tel:(301)%20504-2025>
Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

----- Original message -----

From: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>
Date: 1/3/18 2:18 PM (GMT-05:00)
To: "Sean Delaney, (USAMD)" <Sean.Delaney@usdoj.gov>
Subject: Fwd: DVR for Corner Groceries HY-2748-2064

Sean,

Can you answer my SACs questions immediately below regarding the DVR and the forensic company wanting to submit an affidavit?

Stan Wojtkonski
Special Agent

Office of Inspector General
Investigations
USDA

5601 Sunnyside Ave
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Beltsville, MD 20705

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Fax: (301) 504-2025<tel:(301)%20504-2025>
Stanley.Wojtkonski@oig.usda.gov<mailto:Stanley.Wojtkonski@oig.usda.gov>

----- Original message -----

From: "DINKINS, BETH" <beth.dinkins@oig.usda.gov>
Date: 1/3/18 12:25 PM (GMT-05:00)
To: "WOJTKONSKI, STANLEY" <STANLEY.WOJTKONSKI@oig.usda.gov>
Cc: "DODSON, TIMOTHY" <TIMOTHY.DODSON@oig.usda.gov>, "REPP, DEREK" <derek.repp@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Hi Stan, and Happy New Year.

I just spoke to Jake and the agreement for the contractor is moving along. As soon as Jake gets the "go-ahead", he will ship out the DVR image for next day delivery to the consultant.

In the meantime, we (in conjunction with your AUSA) need to be prepared to tell the consultant what we want/need from them. According to Jake, it is standard procedure for the consultant to provide an affidavit explaining the details of the extraction (in lieu of them sending someone to testify to this information at trial). Does the District have a "go-by" affidavit in a format that would be acceptable for your purposes at trial? Can you work on figuring that piece out so that we have something to send along as soon as we get the word that the work can commence? Please let me know your thoughts so that we can reply to Ann/Jake when asked.

Thanks.

Here is the language from the Justification For Other Than Full and Open Competition that Jake prepared for Procurement. The relevant portion pertaining to the affidavit is highlighted below for your information:

A description of the supplies or services required to meet the Agency's needs (including the estimate value).

OIG TCD requires the services of DME Forensics immediately due to the urgency of an upcoming trial date. Specifically, DME Forensics is a software company that reverse-engineers the many proprietary file systems that run DVRs. DME Forensics provides forensic software so that digital forensic units can quickly and efficiently extract video from the devices; however, not all DVRs are supported. DME Forensics will examine unsupported DVRs and extract video (as a service) or update their software to support the device.

OIG TCD requires DME Forensics to examine the DVR data and 1) Provide an update to their software to support the device, or 2) Extract the data manually, and 3) Provide an Affidavit explaining the details of the extraction.

Bethanne M. Dinkins
Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507

cell 917-359-0736
fax 212-264-8416

From: WOJTKONSKI, STANLEY
Sent: Thursday, December 21, 2017 3:25 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov>; DODSON, TIMOTHY
<TIMOTHY.DODSON@oig.usda.gov>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Thank you, Beth. My thanks to everyone who has been trying urgently to get this done.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
USDA

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Suite 2-2230
Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: DINKINS, BETH
Sent: Thursday, December 21, 2017 3:20 PM
To: DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov<<mailto:TIMOTHY.DODSON@oig.usda.gov>>>
Cc: WOJTKONSKI, STANLEY
<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>
Subject: FW: DVR for Corner Groceries HY-2748-2064
Importance: High

See below. Jake just confirmed that TCD has the DVR and will ship it out as soon as instructions are received from the vendor. I will be in the office tomorrow and will make sure that Peter understands the urgency of getting this processed and the DVR sent out to the vendor tomorrow if possible given the looming Government shutdown.

Bethanne M. Dinkins
Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507
cell 917-359-0736
fax 212-264-8416

From: PARADIS, PETER
Sent: Thursday, December 21, 2017 3:16 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov<<mailto:beth.dinkins@oig.usda.gov>>>; BOYD, LONNIE
<LONNIE.BOYD@oig.usda.gov<<mailto:LONNIE.BOYD@oig.usda.gov>>>; JACOBSON, MIKE (JAKE)
<mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>
Cc: PARADIS, PETER <PETER.PARADIS@oig.usda.gov<<mailto:PETER.PARADIS@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064
Importance: High

All,

I just spoke to Desiree Clayton (OM/PRO) and she will have Peter Lee jump on processing this AD-700-1259 for the DVR review in the absence of Linda Josey. Peter Lee will attempt to contact the recommended vendor etc. to complete the processing of the AD-700.

Beth and/or Jake - you may receive a call from Peter Lee or the vendor or whomever regarding logistics to send the DVR for review.

Pete

Peter P. Paradis, Sr.

Peter P. Paradis, Sr.
Deputy Assistant Inspector General
Office of Investigations
Office of Inspector General
US Department of Agriculture
Desk: (202)720-3307
Mobile: (202)573-3865

From: DINKINS, BETH
Sent: Tuesday, December 19, 2017 8:51 PM
To: BOYD, LONNIE <LONNIE.BOYD@oig.usda.gov<<mailto:LONNIE.BOYD@oig.usda.gov>>>
Cc: PARADIS, PETER <PETER.PARADIS@oig.usda.gov<<mailto:PETER.PARADIS@oig.usda.gov>>>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Good evening, Lonnie.

I am not quite sure where to start with inquiries regarding the below-referenced problem. The short story is that TCD has run into problems retrieving video from a store DVR seized during a search warrant. The store owner, Mahmood Shah, initially pled guilty but subsequently claimed ineffective assistance of counsel and his request to withdraw his guilty plea was granted. Shah is now scheduled for trial beginning on February 12, 2017.

TCD has informed us that the only hope to retrieve the DVR video is to send it to a third party contractor, DME Forensics, to perform a hands-on physical extraction. Apparently the company was contacted and a bid for the work obtained. According to Jake, a request for funding for this work was submitted "to HQ for further action" but I do not know to whom nor can I tell the status of this request.

In essence, this DVR is a potentially important piece of evidence for the trial and the AUSA is actively asking for our assurances that we are doing everything possible to expedite the necessary forensic examination so that he will have the evidence he feels he needs for trial. However, based on Jake's opinion below, even if the funding is secured, time is running out to get the work done in time for our needs.

This case DOES have an asset forfeiture component.

If you know anything about the status of this request, can you please update me and/or point me in the right direction. With the holidays coming up and/or a possible shutdown, I would like to be able to either secure the funding to get this work done, or provide the AUSA with an explanation as to why we cannot.

Thank you.

Bethanne M. Dinkins
Special Agent-in-Charge
USDA-OIG-Investigations
26 Federal Plaza, Room 1409
New York, NY 10278
office 212-264-3507

cell 917-359-0736
fax 212-264-8416

From: DODSON, TIMOTHY
Sent: Tuesday, December 19, 2017 5:02 PM
To: DINKINS, BETH <beth.dinkins@oig.usda.gov<<mailto:beth.dinkins@oig.usda.gov>>>
Cc: WOJTKONSKI, STANLEY
<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Good Afternoon:

Please see below regarding a potential evidentiary issue in HY-2748-2064 trial prep and discovery. TCD experienced technical difficulty attempting to examine this DVR. They need to send it to a private contractor / vendor to accomplish this task. TCD submitted the funding request to HQ around the beginning of December, but it seems to be tied up in limbo. Could you check and see what is causing the delay?

We need to get this done so the item can be reviewed before the trial starts.

Feel free to contact me if you have any questions or concerns. Thank you.

Regards,

Tim Dodson
Tim Dodson, ASAC
SYR-BRIG / NER
USDA-OIG-OI
Desk: 301-504-2005
Cell: 202-579-7182

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From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 4:53 PM
To: DODSON, TIMOTHY <TIMOTHY.DODSON@oig.usda.gov<<mailto:TIMOTHY.DODSON@oig.usda.gov>>>
Subject: FW: DVR for Corner Groceries HY-2748-2064

Tim,

Below is my correspondence with TCD regarding the store DVR needed for the Corner Groceries (HY-2748-2064) jury trial which is scheduled for February 12, 2018. As usual, TCD has been most helpful and responsive in this matter. Unfortunately, the store DVR is giving TCD problems and they need to send it out to the private company that makes the forensic DVR analyzing software TCD uses. The forensic company will need to do a hands-on physical extraction themselves. TCD has requested funding from headquarters to send the DVR to the private company. That authorization/funding has not yet materialized. Can you please inquire as to the status of this request? This DVR could be the lynchpin of the jury trial and I want to represent to the prosecutor that we are expediting this.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
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Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 4:38 PM
To: JACOBSON, MIKE (JAKE)
<MIKE.JACOBSON@oig.usda.gov<<mailto:MIKE.JACOBSON@oig.usda.gov>>>; CASTALDO, VINCENT
(VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>)
<VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

The judge presiding over the trial just changed. As a result of this change, the trial has been pushed back to February 12, 2017. That gives us 55 days. We will have to expedite this as quickly as possible and hope for the best. I will inform the prosecutor. Based on past conversations with him, he will no doubt wish to contact whoever at headquarters is handling this. Do you happen to know the best person to speak to?

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
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Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: JACOBSON, MIKE (JAKE)
Sent: Tuesday, December 19, 2017 4:27 PM
To: WOJTKONSKI, STANLEY
<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Probably both. I don't know yet if it's inaction necessarily or the speed at which things move through the process. Even if it were there today, I don't see how it can be done in time from a technical standpoint, let alone a review standpoint.

From: WOJTKONSKI, STANLEY
Sent: Tuesday, December 19, 2017 2:59 PM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>;
CASTALDO, VINCENT
<VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Is your opinion based on the scope of work to be done by the 3rd party company, or inaction above TCD to get the process approved?

Stan Wojtkonski
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Fax: (301) 504-2025

Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: JACOBSON, MIKE (JAKE)

Sent: Tuesday, December 19, 2017 2:55 PM

To: WOJTKONSKI, STANLEY

<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>; CASTALDO,

VINCENT <VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>

Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

I forwarded it to HQ for further action. Based on the activity to date, I can safely say if the trial occurs within the next 60 days, this will not be done in time.

Mike Jacobson

From: WOJTKONSKI, STANLEY

Sent: Tuesday, December 19, 2017 1:17 PM

To: CASTALDO, VINCENT

<VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>; JACOBSON, MIKE

(JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>

Subject: RE: DVR for Corner Groceries HY-2748-2064

In a trial prep meeting with the AUSA right now. Do we have an update on the DVR for HY-2748-2064 CORNER GROCERIES?

Stan Wojtkonski
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Fax: (301) 504-2025

Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: CASTALDO, VINCENT

Sent: Tuesday, November 28, 2017 6:08 PM

To: WOJTKONSKI, STANLEY

<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Called DME Forensics and they are putting together a bid and some paperwork and will contact me.

From: WOJTKONSKI, STANLEY
Sent: Tuesday, November 28, 2017 2:24 PM
To: CASTALDO, VINCENT
<VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>; JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Yes, Please contact them. Lets find out what they can do. I forwarded your email to the prosecutor and let him know we will make contact with the software company. We can figure out payment after we see if they can help.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
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Beltsville, MD 20705

Cell: (301) 789-4052
Fax: (301) 504-2025
Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>

From: CASTALDO, VINCENT
Sent: Tuesday, November 28, 2017 2:48 PM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>;
WOJTKONSKI, STANLEY
<STANLEY.WOJTKONSKI@oig.usda.gov<<mailto:STANLEY.WOJTKONSKI@oig.usda.gov>>>
Subject: RE: DVR for Corner Groceries HY-2748-2064

Stan,

Unfortunately we have exhausted all options to recover any video directly from this DVR.

We have tried the automated DVR software, networking directly into the DVR, exporting the video to a USB drive from the DVR itself and making a copy of the drive and trying to export the video from the file system itself but all have failed.

The main problem we have had with the device is it shuts down and restarts after a few minutes of running.

The only option I think we have at this point is inquire with the company who makes the automated DVR software and request their assistance.

This would involve me sending them a copy of the hard drive, see if they can determine the files system, and recover the video.

I have never gone this route and have now idea the cost for this service. If you want me to inquire about this let me know.

From: JACOBSON, MIKE (JAKE)
Sent: Monday, November 20, 2017 8:26 AM
To: CASTALDO, VINCENT
<VINCENT.CASTALDO@oig.usda.gov<<mailto:VINCENT.CASTALDO@oig.usda.gov>>>
Subject: FW: DVR for Corner Groceries HY-2748-2064

For you... When you return.

From: WOJTKONSKI, STANLEY
Sent: Monday, November 20, 2017 8:25 AM
To: JACOBSON, MIKE (JAKE) <mike.jacobson@oig.usda.gov<<mailto:mike.jacobson@oig.usda.gov>>>
Subject: DVR for Corner Groceries HY-2748-2064

Mike,

Can you give me the status of the store DVR download for this case? I just got off the phone with the AUSA and he wanted me to get a timeframe. I recall Jim saying it wasn't being cooperative with the normal DVR software but time is getting short for us as we prepping for trial.

Stan Wojtkonski
Special Agent
Office of Inspector General
Investigations
USDA

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Stanley.Wojtkonski@oig.usda.gov<<mailto:Stanley.Wojtkonski@oig.usda.gov>>